

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

PURE POWER BOOT CAMP, INC.; PURE POWER BOOT-CAMP FRANCHISING CORPORATION; and PURE POWER BOOT CAMP JERICHO INC.,

Plaintiffs,

- against -

WARRIOR FITNESS BOOT CAMP, LLC;  
ALEXANDER KENNETH FELL a/k/a ALEX FELL,  
Individually; RUBEN DARIO BELLIARD  
a/k/a RUBEN BELLIARD, Individually;  
JENNIFER J. LEE, Individually;  
and NANCY BAYNARD, Individually,

Defendants.

**ECF Case**  
**Case No. 08-cv-4810 (JGK) (THK)**

**AFFIDAVIT OF AMY MARKS**

STATE OF NEW YORK )  
ss:  
COUNTY OF NEW YORK)

AMY MARKS, being duly sworn, deposes and says:

1. I was a member of Pure Power Boot Camp ("Pure Power") for approximately 2 1/2 years.

While at Pure Power, my instructors were Alex Fell ("Fell") and Ruben Belliard ("Belliard").

2. I remained at Pure Power for one reason -- my trainers, Fell and Belliard, who were amazing instructors. Pure Power itself had deteriorated from the time that I joined, to the extent that had I not insisted that Pure Power dispose of the old, filthy workout mats, and order new ones, I would have contacted the Health Department to make a complaint.

3. When I learned that Fell and Belliard had left Pure Power, and had opened their own gym, Warrior Fitness Boot Camp ("Warrior"), I determined to follow them there.

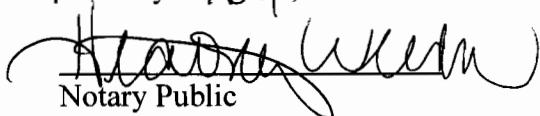
4. *No one solicited me to join Warrior.*

5. Warrior looks totally different than Pure Power. The gyms have different colors, appearances, feel, atmosphere, and layout.

6. Before I left Pure Power, Brenner publicly quoted to class of about 10 members from what appeared to be private emails. Brenner also referenced private emails to me over the telephone.

  
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AMY MARKS

Sworn to before me this  
1<sup>st</sup> day of July, 2008

  
Notary Public

HEATHER WRENN  
Notary Public, State of New York  
No. 01WR6134614  
Qualified in Queens County  
Commission Expires October 3, 2009